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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,279	07/31/2001	Raymond Anthony Joao	RJ216	4075

7590 02/12/2004
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YONKERS, NY 10703

EXAMINER

TRAN, DALENA

ART UNIT PAPER NUMBER

3661

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,279

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,11,21-27 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,11,21-27 and 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 12/1/03. Claims 1, 11, 21-27, and 29-39 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,11,21-24,31-32, and 39, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322) in view of Petite et al. (6,437,692).

As per claim 1, Kirkevold et al. disclose an apparatus for processing vehicle information and / or vehicle maintenance information, comprising: a memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see the abstract, the last 4 lines; column 4, lines 45-55; and column 8, lines 13-39), and a processing device, wherein the processing device is located at a location remote from the vehicle and remote from the communication device, wherein the processing device processes the request for information regarding at least one of vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, utilizing the at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information, wherein the processing device generates at least one of diagnostic

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report, a repair report, a maintenance report, and a servicing report in respond to the request for information (see columns 9-10, lines 43-33; and column 11, lines 17-44). Kirkevold et al. do not disclose a receiver and transmitter. However, Petite et al. disclose a receiver for receiving a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle and remote from the apparatus, and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web, and a transmitter for transmitting at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report to the communication device, wherein the at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report, is transmitted to the communication device on or over at least one of the Internet and the World Wide Web (see column 12, lines 41-62; columns 16-17, lines 35-23; column 10, lines 12-53; and columns 5-6, lines 45-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining a receiver for receiving information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle, and a transmitter for transmitting at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report to the communication device for wireless communication between a remote communication device and the vehicle.

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Claim 11, is method claims corresponding to apparatus claim 1 above. Therefore, it is rejected for the same rationales set forth as above.

As per claim 21, Kirkevold et al. disclose processing device processes information regarding at least one of a subsequent repair, a maintenance procedure, and a servicing procedure, and further wherein the processing device stores information regarding at least one of a subsequent repair, a maintenance procedure, and a servicing procedure in the memory device (see columns 5-6, lines 35-3; columns 11-12, lines 55-23; and columns 13-14, lines 65-5).

As per claim 22, Kirkevold et al. disclose memory device contains information regarding at least one of a single vehicle and a plurality of vehicles (see column 12, lines 22-36).

As per claim 23, Kirkevold et al. disclose the communication device is at least one of a personal computer, a home computer, a server computer, a network computer, a hand-held computer, a palmtop computer, a laptop computer, a personal communication device, a personal digital assistant, a telephone, a digital telephone, a display telephone, a video telephone, a videophone, a 3G telephone, a television, an interactive television, an beeper, a pager, and a watch (see column 3, lines 31-47; and column 5, lines 8-34).

As per claim 24, Kirkevold et al. disclose the memory device comprises a comprehensive vehicle maintenance database (see column 4, lines 45-55).

Claims 31, and 32, are method claims corresponding to apparatus claims 21, and 23 above. Therefore, they are rejected for the same rationales set forth as above.

As per claim 39, Petite et al. disclose the communication device is a wireless device (see the abstract).

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4. Claims 25-26, and 33-34, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Petite et al. (6,437,692) as applied to claim 1 above, and further in view of Li (US 2002/0072808 A1).

As per claims 25-26, Kirkevold et al. do not disclose a maintenance reminder message. However, Li discloses the processing device generates at least one of a maintenance reminder message and a service reminder message, wherein the at least one of a maintenance reminder message and a service reminder message is transmitted to the communication device (see [0047]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining the processing device generates at least one of a maintenance reminder message and a service reminder message for assisting the vehicle driver to keep up with schedule service and maintenance of the vehicle.

Claims 33-34, are method claims corresponding to apparatus claims 25-26 above. Therefore, they are rejected for the same rationales set forth as above.

5. Claims 27,29, and 35-36, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Petite et al. (6,437,692) as applied to claim 1 above, and further in view of Rother (6,141,608).

As per claim 27, Kirkevold et al., and Petite et al. do not disclose upload vehicle information. However, Rother discloses the apparatus transmits a signal to at least one of a vehicle computer and a vehicle electronic command computer, and apparatus uploads vehicle information from at least one of a vehicle computer and a vehicle electronic command computer (see the abstract; and column 6, lines 31-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., and Petite

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et al. by combining the apparatus transmits a signal to at least one of a vehicle computer and a vehicle electronic command computer, and apparatus uploads vehicle information from at least one of a vehicle computer and a vehicle electronic command computer for collecting the parameter data of actual driving condition and subsequently transferring this data to a remote data processor for analysis.

As per claim 29, Kirkevold et al., and Petite et al. do not disclose a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle. However, Rother discloses the processing device determines a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle (see columns 4-5, lines 42-2; column 5, lines 45-58; and columns 6-7, lines 58-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., and Petite et al. by combining the processing device determines a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle for accurately determines drivability symptoms exhibited by vehicles, therefore the appropriate maintenance procedure can perform for the vehicle.

Claims 35, and 36, are method claims corresponding to apparatus claims 27, and 29-26 above. Therefore, they are rejected for the same rationales set forth as above.

6. Claims 30, and 37-38, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Petite et al. (6,437,692) as applied to claim 1 above, and further in view of Diaz et al. (6,356,822).

As per claim 30, Kirkevold et al., and Petite et al. do not disclose vehicle service providers. However, Diaz et al. disclose the memory device stores information regarding at least

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one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see column 7, lines 1-8), wherein the receiver receives a request for at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see column 10, lines 1-38), wherein the processing device processes the request utilizing the information regarding the at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see columns 10-11, lines 39-10), wherein the processing device generates at least one of a second message to provide information to a user and a third message to provide information to a provider and further wherein the transmitter for transmitting at least one of the second message to the communication device and the third message to a second communication device associated with a provider (see columns 12-13, lines 14-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., and Petite et al. by combining the memory device stores information regarding at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers to provide information for and about the vehicle's operation status and coordinating the vehicle's activities.

Remarks

7. Applicant's argument filed on 12/1/03 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.

Applicant's general arguments that references cited do not teach a processing device, wherein the processing device is located at a location remote from the vehicle and remote from the communication device, wherein the processing device processes the request for information regarding at least one of vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, utilizing the at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information, wherein the processing device generates at least one of diagnostic report, a repair report, a maintenance report, and a servicing report in response to the request for information. However, ('322) does teach in column 9, lines 56-60, "the shop management computer 18, which returns to the engine analyzer computer 46 the associate customer and vehicle information", and column 9, lines 60-64, "the returned customer and vehicle information is in turn utilized by the engine analyzer computer network interface program to retrieve needed information stored in the interconnected information database..."; in these cited paragraph, the processing device is located in the shop management computer 18, and also in the engine analyzer computer network, it processes the request for information regarding at least one of vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, utilizing the at least one of vehicle diagnostic information as claimed in claims 1 and 11. The new cited references Petite et al. teach the receiver for receiving a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle and remote from the apparatus, and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World

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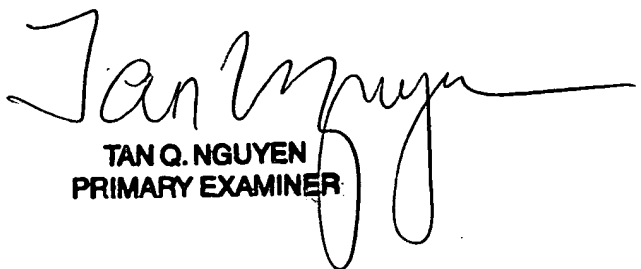
Wide Web, and a transmitter for transmitting at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report to the communication device, wherein the at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report, is transmitted to the communication device on or over at least one of the Internet and the World Wide Web as cited above in item 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt
February 3, 2004


TAN Q. NGUYEN
PRIMARY EXAMINER